

REMARKS

Applicant thanks the Examiner for the courtesy extended to Applicant's representatives Messrs. Larry Cullen, Jeffrey Eschbach, Gregory Cox, and Walter Johnson during a telephone interview on October 13, 2005.

Applicant presented a proposed amendment to the Examiner prior to the interview.

During the interview, Applicant explained the present invention, Mobile IP, and the Wada reference. Applicant explained that both Mobile IP and Wada use the same device during a session, i.e. they do not transfer a session to another device. Applicant further explained that devices in the network chain do not participate in the session but merely pass the communication. The Examiner appreciated the distinctions raised by Applicants and generally agreed with them, but the Examiner suggested to further clarify the limitations relating to a device/node and a session. The above amendments are believed to be within the spirit of the Examiner's helpful suggestion.

I. Introduction

Claims 1-27 are pending in the above application.

Claims 1-27 stand rejected under 35 U.S.C. § 101 under the judicially created doctrine of obvious double patenting.

Claims 20-21 and 24-27 stand rejected under 35 U.S.C. § 102.

Claims 1-19, 22 and 23 stand rejected under 35 U.S.C. § 103.

Claims 1, 9, 20, 21, 24, 25 and 27 are independent claims.

II. Amendment

Claims 1, 9, 20, 21, 24, 25 and 27 have been amended to more particularly claim that which Applicant regards as the inventions therein.

No new matter has been added.

III. Obvious Double Patenting

Claims 1-27 stand rejected under 35 U.S.C. § 101 under the judicially created doctrine of obvious double patenting as being non-obvious over 1-23 of co-pending U.S. Application 10/002306. A terminal disclaimer is being filed with this response as suggested in the Office action. Accordingly, the rejection is believed to be moot.

IV. Prior Art Rejections

Claims 20-21 and 24-27 stand rejected under 35 U.S.C. § 102 as being anticipated by Wada (U.S. Pat. 5,517,618).

Claims 1, 2, 5, 9, 10, 12, 14-17, 19 and 22-23 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wada.

Claims 3, 4, 6-8, 11, 13 and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wada in view of Knight (U.S. Pat. 6,377,589).

In accordance with the discussions in the interview, the above claims are believed to be patentable over Wada alone or in combination with Knight. As discussed, Wada discloses to transfer a session between networks on the same device – to allow the device to move during a session. Wada does not disclose to transfer a communication session from one device or node to

another device or node, wherein the device or node is configured to allow a user to receive or send the communication session.

As Wada, taken alone or in combination with Knight, does not disclose or suggest all of the limitations of any of amended independent claims 1, 9, 20, 21, 24, 25 and 27, neither Wada nor Wada combined with Knight render any of these independent claims unpatentable. Likewise, claims 2-8, which depend on claim 1 and incorporate all the limitations thereof, claims 10-19, which depend on claim 9 and incorporate all the limitations thereof, claims 22-23 which depend on claim 21 and incorporate all the limitations thereof, and claim 26 which depends on claim 1 and incorporate all the limitations thereof, are similarly patentable.

V. Conclusion

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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Respectfully submitted,

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